

Application no.: 10/037,356

Docket no.: SEQ-2046-UT

REMARKS

Upon entry of the above amendments, claims 40 and 62-81 will be pending as claims 1-22 and 57-59 were cancelled in an amendment filed on June 10, 2004 and claims 23-39, 41-56 and 60-61 are cancelled herein. Applicants reserve the right to pursue subject matter that will no longer be pending after the amendment above, and to pursue subject matter that has not yet been examined, in a related application. Claim 40 is amended to consistently refer to "one or more" pins throughout the claim, and therefore no prohibited new matter has been added. The new claims add no new matter as there is basis in the specification throughout and in the claims originally filed with the patent application. For example, new claims 62, 63, 64, 65 and 66 find basis in claims 41, 42, 43, 60 and 44 as originally filed, respectively. Claims 67-81 find basis in the specification throughout, such as on page 18, lines 4-7 and page 32, line 14 to page 34, line 8, for example. Thus, entry of the claim amendment and new claims is proper.

Applicants reviewed the requirement for restriction and elect, without traverse, the subject matter of Group III, which is directed to a pin tool for use in a sample delivery system (claims 40-44 and 60). The new claims depend directly or indirectly from independent claim 40 in elected Group III. Formerly pending claims directed to subject matter of Groups I, II, IV, V, VI and VII are cancelled herein to facilitate examination on the merits.

Should any issues or questions remain concerning the requirement for restriction, the Examiner is encouraged to telephone the undersigned at (858) 623-9470 such that any issues may be promptly resolved.

Application no.: 10/037,356

Docket no.: SEQ-2046-UT

In the unlikely event the transmittal letter is separated from this document and the Office determines that an extension and/or other relief is required, Applicants petition for any required relief, including extensions of time, and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to the credit card disclosed in form PTO-2038 filed with this document.

Respectfully submitted,

Dated: 28 JANUARY 2005By: 

Bruce Grant
Registration No. 47,608

Bruce D. Grant, A.P.C.
A California Corporation
BioTechnology Law Group
658 Marsolan Avenue
Solana Beach, California 92075
Telephone: (858) 623-9470
Facsimile: (858) 623-9476